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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC ANDREW O'DELL,

No. C 11-03926 CW (PR)

Petitioner,

AMENDED ORDER OF TRANSFER

JANICE GALLI McLEOD, et al., Respondents.

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus. Petitioner has not paid the filing fee or filed an application for leave to proceed in forma pauperis.

A federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. Id. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction.

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<u>Laue v. Nelson</u>, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

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Here, Petitioner challenges a conviction and sentence incurred in Pomona Superior Court in Los Angeles County, which is located in the venue of the Central District of California. <u>See</u> 28 U.S.C.

<u>See Dannenberg v. Ingle</u>, 831 F. Supp. 767, 767 (N.D. Cal. 1993);

§ 84(c)(2). Accordingly, that is the proper venue for this action.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District Court for the Central District of California.

IT IS SO ORDERED.

Dated: 9/13/2011

CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE